

Exhibit 20

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IN THE TERRITORIAL COURT OF THE VIRGIN ISLANDS
OF ST. CROIX

KELVIN MANBODH,)
Plaintiff,)
vs.) Case No. 324/1997
)

HESS OIL VIRGIN ISLANDS CORPORATION; AMERADA HESS CORPORATION; BORINQUEN)
INSULATION COMPANY, INC.; RAYTHEON) ENGINEERS & CONSTRUCTORS, INC.,)
Individually and as successor in) interests to LITWIN CORPORATION and)
LITWIN PAN-AMERICAN CORPORATION; JOWENS-CORNING FIBERGLAS CORPORATION;) RARITAN SUPPLY COMPANY, Individually and as successor in interests to)
BRIDGE SUPPLY COMPANY; MADSEN & HOWELL, INC.; UNION PUMP COMPANY;)
PITTSBURGH CORNING CORPORATION;) Individually and as successor to)
UNARCO INDUSTRIES; GARLOCK, INC.; GAF CORPORATION, Individually and as)
successor to RUBEROID; FLEXITALIC) GASKET COMPANY; ARMSTRONG WORLD)
INDUSTRIES; CERTAINTED PRODUCTS) CORPORATION; FOSTER WHEELER)
CORPORATION, Individually and as) successor in interests to)
FORTY-EIGHT INSULATIONS, INC.,) 3M a/k/a MINNESOTA MINING &)
MANUFACTURING COMPANY; WESTINGHOUSE) ELECTRIC CORPORATION; INGERSOLL RAND)
CORPORATION; ELLIOTT COMPANY, a) division of CARRIER; RIGGERS AND)
ERECTORS INTERNATIONAL, INC.; VIRGINISLANDS INDUSTRIAL MAINTENANCE)
CORPORATION; DRESSER INDUSTRIES,) INC., Individually and as successor)
in interests to PACIFIC PUMP, INC.;)
and SHELL OIL CORPORATION;)
)
Defendants.

THE ORAL DEPOSITION OF WILLIAM E. LONGO, PH.D.

1 A-P-P-E-A-R-A-N-C-E-S
2 For the Plaintiffs:
3 Law Offices of
4 Richardson, Patrick, Westbrook & Brickman, L.L.C.
5 174 East Bay Street
6 Charleston, South Carolina 29402
7 By: Christian Hartley
8 For Defendants HOVIC and Amerada Hess:
9 Law Offices of
10 Bryant, Barnes & Moss
11 47 King Street
12 Christiansted, St. Croix
13 U.S. Virgin Islands 00820
14 By: Britain H. Bryant
15 Law Offices of
16 Wilson, Elser, Moskowitz, Edelman & Dicker, LLP
17 33 Washington Street, 18th Floor
18 Newark, New Jersey 07102
19 By: Carolyn O'Connor (By Telephone)
20 For Defendant Borinquen Insulation Company:
21 Law Offices of
22 Duane Morris LLP
23 One Liberty Place
24 Philadelphia, Pennsylvania 19103-7396
25 By: Sharon Caffrey

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1 LITWIN CORPORATION and) LITWIN PAN AMERICAN CORPORATION)
2) Third-Party Plaintiffs,)
3) vs.)
4) UNIVERAL OIL PRODUCTS COMPANY;)
5 CHICAGO BRIDGE AND IRON, N.V.,) individually and as successor in)
6 interest to CHICAGO BRIDGE AND IRON;) BIGELOW LIPTAK; A.P. GREEN)
7 INDUSTRIES, INC.; PORTILLA) CORPORATION; RESCO PRODUCTS, INC.;)
8 DRESSER INDUSTRIES, INC.,) individually and as successor in)
9 interest to HARBISON-WALKER) REFACTORIES COMPANY,)
10)
11 Third-Party Defendants.)
12 THE ORAL DEPOSITION OF WILLIAM E. LONGO, PH.D.
13 was taken on the 28th day of May, 2002, at the Atlanta
14 Airport Marriott, 4711 Best Road, College Park, Georgia,
15 between the hours of 10:10 a.m. and 1:50 p.m. pursuant to
16 Notice and Federal Rules of Civil Procedure.

17 _____
18 Reported by:
19 Angela L. Klein, RPR
20 Registered Professional Reporter
21 Caribbean Scribes, Inc.
22 2132 Company Street, Suite 3
23 Christiansted, St. Croix
24 U.S. Virgin Islands 00820
25 (340) 773-8161

1 For Defendant Litwin:
2 Law Offices of Hymes & Zebedee
3 1131 King Street, Suite 309 Christiansted, St. Croix
4 U.S. Virgin Islands 00820
5 By: James L. Hymes, III
6 Law Offices of W. Mark Wilczynski
7 P.O. Box 1150 Charlotte Amalie, St. Thomas
8 U.S. Virgin Islands 00804
9 By: W. Mark Wilczynski
10 For Defendants Fluor and Resco:
11 Law Offices of
12 Blaire & Cole, PA 2801 Ponce de Leon Boulevard
13 Coral Gables, Florida 33134
14 By: Susan J. Cole
15 For Defendant Universal Oil Products Company:
16 Law Offices of
17 Hunter, Cole & Bennett 1138 King Street
18 Christiansted, St. Croix U.S. Virgin Islands 00820
19 By: Richard H. Hunter
20
21 For Defendant John Crane, Inc.:
22 Law Offices of O'Connell & O'Sullivan
23 217 N. McLean Boulevard, Suite 2C Elgin, Illinois 60123
24 By: John O'Sullivan
25

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1 For Defendant Parson Corporation:
 2 Law Offices of Stacy L. White
 3 1112 King StreetChristiansted, St. Croix
 4 U.S. Virgin Islands 00820
 5 By: Stacy L. White
 6 For Defendant Tuthill Corporation:
 7 Law Offices of
 8 Dudley, Clark & Chan9720 Estate St. Thomas, Suite 1
 9 Charlotte Amalie, St. ThomasU.S. Virgin Islands 00802
 10 By: Erik E. Woodbury
 11
 12 For Defendant Garlock, Inc.:
 13 Law Offices of Goldfein & Hosmer
 14 1600 Market Street33rd Floor
 15 Philadelphia, Pennsylvania 19103
 16 By: John A. Turlik
 17 For Defendant Rubber & Gasket Company of Puerto Rico:
 18 Law Offices of
 19 Wilfredo A. Geigel20 Anchor Way
 20 Gallows Bay, St. CroixU.S. Virgin Islands 00824
 21 By: Eugenio Geigel
 22
 23
 24
 25

1
 2 E-X-A-M-I-N-A-T-I-O-N
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 6 Cross by Mr. Bryant 100
 7 Cross by Mr. Geigel 106
 8 Cross by Ms. Caffrey 110
 9 Cross by Mr. Wilczynski 114
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 14 E-X-H-I-B-I-T-S
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 16 Exhibit No. 19 Documents
 17 Exhibit No. 212 June 1, 1999
 18 Expert Report
 19 Exhibit No. 314 Curriculum Vitae
 20 Exhibit No. 449 Notice Of
 21 Deposition
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1 For Defendant Elliott Company:
 2 Law Offices of Stryker, Duensing, Casner & Dollison
 3 Upper Level Drake's PassageCharlotte Amalie, St. Thomas
 4 U.S. Virgin Islands 00804
 5 By: Michael Fitzsimmons
 6 For Defendants Madsen & Howell, Inc. and CertainTeed:
 7 Law Offices of
 8 Pattie & Daley1104 Strand Street, Suite 204
 9 Christiansted, St. CroixU.S. Virgin Islands 00820
 10 By: Richard E. Daley (By Telephone)
 11
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1 WILLIAM E. LONGO, PH.D.,
 2 Called as a witness, having been first duly sworn,
 3 Testified on his oath as follows:
 4 DIRECT EXAMINATION
 5 BY MS. COLE:
 6 Q. Dr. Longo, before we get started, there are some
 7 folks here that have some objections that they want to place
 8 on the record. So you can finish eating your cantaloupe, and
 9 we'll do the objections, and then we'll get started.
 10 MS. CAFFREY: This is Sharon Caffrey on behalf
 11 of Borinquen Insulation Company. Some time ago
 12 Mr. Wilczynski on behalf of the defendants requested all the
 13 background materials that Dr. Longo was going to reply upon
 14 for his opinions today.
 15 I received those materials in my office Friday
 16 at approximately 11:00 a.m. for the first time, and it was
 17 the day before a holiday weekend. The box consisted of
 18 ten pounds of material. There were eight binders and nine
 19 videos, and it was humanly impossible to get through all of
 20 these materials.
 21 In addition, I've already sent letters to
 22 counsel objecting to what we view as an expansion of
 23 Dr. Longo's originally designated testimony to include
 24 products other than Certainteed gaskets and Unibestos. We
 25 believe it's in violation of the case management order and

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1 or you didn't receive it?

2 A. I received it. I have a degree that says Master
3 of Science and Engineering.

4 When I say completed the requirements, at the
5 University of Florida Material Science Department, once -- if
6 you -- if you are able to pass your Ph.D. qualifiers, which
7 essentially is three days of examination of all the graduate
8 level courses taught in that department, they bestow a
9 Master's on you.

10 So it's not a Master's in some sense in which
11 people have to write a thesis.

12 Q. All right. What did you do between June of 1977
13 when you got your BS at the University of Florida, and I
14 understand all of your schooling is there, what did you do
15 until 1983?

16 A. I was in school.

17 Q. Studying for your Master's or your Ph.D.?

18 A. Well, both.

19 Q. Did you work at all?

20 Did you work at all during that period?

21 A. I worked in the Material Science Department as a
22 graduate assistant.

23 Q. Okay. No outside work?

24 A. No, sir.

25 Q. Have you had any -- I'll withdraw the question.

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1 What are your billing rates for this case?

2 A. Two seventy-five an hour for deposition and trial
3 testimony, a hundred and seventy-five an hour for consulting,
4 and a hundred and fifty dollars an hour for travel.

5 Q. You mean, you get a hundred and fifty-eight
6 dollars -- did you say a hundred and fifty-eight?

7 A. A hundred and fifty.

8 Q. Oh, a hundred and fifty dollars an hour for
9 driving your car?

10 A. Driving my car, sitting on a plane, in an
11 airport, whatever.

12 Q. And if this -- and how much an hour for your
13 deposition for sitting here answering these questions?

14 A. Two seventy-five an hour.

15 Q. And if you come down for trial in this case, what
16 is your trial testimony per hour?

17 A. Two seventy-five.

18 Q. Okay. And then do you charge for that -- would
19 you charge these plaintiffs' lawyers two seventy-five an hour
20 to fly down there, too, or do you get the hundred and fifty
21 dollar an hour driving time?

22 A. They get the hundred and fifty dollars an hour
23 drive time.

24 Q. Okay. I haven't seen your bill in this case --
25 any of your billing records. Did you bring those with you

1 today?

2 A. No, sir.

3 Q. You've never submitted those in this case, have
4 you?

5 A. I'm sure back in 1999 I did.

6 Q. They weren't attached with your report or your
7 resume. I have checked with the other lawyers here. None of
8 us got them.

9 Do you have an idea what you billed to these
10 plaintiffs' lawyers in this case to date?

11 A. To do that report -- I don't have any independent
12 recollection. But to do that report probably took two or
13 three hours at a hundred and seventy-five an hour.

14 Q. Okay. I didn't see any type of case log with
15 your report or your CV.

16 Do you have a case log of where you've
17 testified in depositions and trials listing the state or the
18 county, the court, who hired you, plaintiffs or defendants?

19 A. I don't have any up-to-date one, no.

20 Q. And you haven't submitted any in this case at
21 all, have you?

22 A. No, sir.

23 Q. In your CV, you have got an article -- by the
24 way, did you bring any of those articles with you other than
25 these reports you have that you list in your CV or you got a

1 bunch of articles you either contributed to or co-authored?

2 A. No, sir, I didn't.

3 Q. Okay. There's one on Page 3 of your CV that you
4 did which looks like a Roggli?

5 A. Roggli.

6 Q. Roggli.

7 The Mineral Fiber Content of Lung Tissue in
8 Patients with Environmental Exposures: Household Contacts
9 vs. Building Occupants.

10 A. Yes, sir.

11 Q. What's that about?

12 A. That's about some mesothelioma cases in which the
13 individuals had very, very low exposure, and these
14 individuals were household contacts, meaning somebody else
15 brought it into their house, and, also, they worked in
16 buildings that contained asbestos. And we were looking at
17 the lung burden of how much asbestos was in the lungs of
18 these individuals and then compared it to occupational
19 exposures.

20 Q. All right. A minute ago in your testimony when
21 you were answering questions with Ms. Cole, I believe you
22 mentioned asbestos in schools. What other kinds of buildings
23 and things have you found the asbestos in that people have
24 been exposed to?

25 A. Well, just about every building built between the

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1 timeframe of about 1950 to 1972, '73 had some sort of
 2 asbestos construction product in it.

3 Q. Where in the buildings?

4 A. Usually if it's a multi-story building it has
 5 fireproofing during that timeframe that would be asbestos
 6 there. If it's a school or an auditorium or a hospital or
 7 courtroom or jail, you usually will have acoustical plasters
 8 during that timeframe that had asbestos in it. Ceiling tiles,
 9 will have asbestos in it during that timeframe. Floor tiles,
 10 thermal insulation on heating systems if they have
 11 temperatures that run that range and joint compounds. Those
 12 are, I'd say, the majority of what's found in buildings from
 13 the fifties to '72.

14 Q. In addition to that, have you done any work with
 15 respect to the amount of exposure that people may get from
 16 the asbestos fibers that they used to have in the brakes and
 17 brake linings? Have you done any work in that?

18 A. Yes.

19 Q. Were any studies you did based upon any type of
 20 exposure levels to people who had, say, mechanical garages or
 21 worked in garages, anything like that?

22 A. Yes. That's the studies we've done would be
 23 mechanics who either changed brakes out, used compressed air
 24 or did some sort of grinding on the brake shoes to fit the
 25 contour back to the wheel drums.

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1 Q. Is there -- as a result of the -- was there a
 2 period in time as a result of mechanics and other people that
 3 worked with brakes a lot being exposed -- a level of asbestos
 4 in the air actually from people putting on brakes out in the
 5 streets in cities where there's heavy congestion of traffic?

6 A. There have been studies of what is generated from
 7 brake systems out in the streets when they used to have brake
 8 shoes, and most of the braking systems in automobiles are
 9 closed-in systems, very little really escaped out on city
 10 streets in my opinion.

11 Q. What other exposures -- household contacts would
 12 people have other than those you've mentioned?

13 A. Usually that's it.

14 Q. Talcum powder that was used on babies, did some
 15 of that contain asbestos?

16 A. We've looked. We have not found it.

17 Q. You're not aware of any?

18 A. I'm not aware of us ever proving that talcum
 19 powder had tremolite or anthophyllite.

20 MR. BRYANT: I thank you, sir. I have no
 21 further questions.

22 CROSS-EXAMINATION

23 BY MR. GEIGEL:

24 Q. Good morning, Mr. Longo. I'm Eugenio Geigel. I
 25 represent Rubber & Gasket Company of Puerto Rico.

1 Doctor, do you consider yourself a scientist?

2 A. Yes.

3 Q. As part of your report, did you ever look at the
 4 purchase orders of Harvey Aluminum or --

5 A. No, sir.

6 Q. -- any of the other --

7 A. I have not.

8 Q. In your report the one we've got on Page 3 the --
 9 Page 2 -- I think it's Page 2 of the report, subtitled
 10 William E. Longo, Ph.D. Qualifications, the fifth paragraph
 11 reads: These tests were conducted to determine if
 12 individuals performing routine work practices around
 13 asbestos -- it goes on.

14 What do you consider to be routine work
 15 practices?

16 A. Hold on. I'm having trouble finding it.

17 MR. HARTLEY: Which paragraph?

18 MR. GEIGEL: The fifth paragraph.

19 A. Well, routine work practices involving thermal
 20 insulation is that individuals would have to do two things
 21 routinely; handle the material to place it on systems and
 22 from time to time cut the material.

23 Q. (Mr. Geigel:) Nothing else?

24 A. That's the only practices we measured.

25 Q. Right below that in the next -- it's not a

1 complete paragraph. It's the next -- would be the next
 2 paragraph it reads: Dr. Longo will testify about the results
 3 of these studies and provide testimony on how the routine use
 4 and disturbance of asbestos-containing thermal insulation,
 5 flat sheet gasket material -- and it goes on and on.

6 My question to you, sir, is what do you
 7 consider to be routine use and disturbance of
 8 asbestos-containing insulation?

9 A. Routine use would be, of course, insulating
 10 pipes, insulating boilers, insulating vessels to keep the
 11 heat in. Also during that insulation, the cutting,
 12 especially on vessels where you had to change the curvature
 13 of the block, and also another routine use is its removal
 14 during maintenance, such as pipe that needs to be fixed or a
 15 steam line or a flange that has to be removed, thermal
 16 insulation is typically removed.

17 Q. Now, you are aware of federal regulations
 18 regarding asbestos exposure, correct?

19 A. Some of them, yes.

20 Q. Are you aware of the state or territorial
 21 regulations for asbestos?

22 A. No.

23 Q. What they are?

24 A. No.

25 Q. Would you say that some states normally comply

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1 but go beyond what federal regulations require?

2 MR. HARTLEY: Object to the form.

3 A. Again, I'm not that aware of the different
4 states, I'm more aware of the federals. I can't tell you if
5 the state regulations are as good as or better or worse. I
6 can't tell you.

7 Q. (Mr. Geigel:) All right. Are you familiar with
8 all types of gaskets?

9 A. Pretty much.

10 Q. Are you familiar with the difference of
11 manufacturing of gaskets?

12 MR. HARTLEY: Object to the form.

13 A. And again, let me back up. When you say all
14 types of gaskets, I'm mostly familiar with flat sheet gaskets
15 that contain asbestos, the Flexitallic-type gaskets. I'm not
16 familiar with every gasket that's been made, no.

17 Q. (Mr. Geigel:) Would you consider pulling
18 asbestos gaskets from shelves to be within your definition of
19 disturbance -- routine use and disturbance of asbestos?

20 A. Certainly the pulling of asbestos gaskets from
21 shelves is a routine use of the gaskets if they're on the
22 shelf and you have to pull them. The mere handling of an
23 asbestos gasket is not what I would term as a major
24 disturbance of the gasket. Unless you damage or cut or
25 fabricate, after you fabricate these gaskets or removal is

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1 about your studies because they were considered to be by the
2 Court "junk science"; is that correct?

3 A. That's what Judge Levitts stated.

4 Q. How many times have you been precluded from
5 discussing your studies in court?

6 A. Once.

7 MR. DALEY: Sharon, could you get closer to
8 the microphone, please?

9 MS. CAFFREY: No, I can't.

10 MR. DALEY: That's better what you just said.

11 MS. CAFFREY: All right. I'll try to yell,
12 Rick.

13 MS. COLE: Turn up your hearing aid, Rick.

14 MR. DALEY: It's on ten.

15 Q. (Ms. Caffrey:) Have you been precluded -- in
16 addition to the In Re: Lamar County Case, have you been
17 precluded by other courts from using your videos at trial?

18 A. Oh, sure. I would estimate about five percent of
19 the time. The judge will rule that they're prejudicial and
20 inappropriate.

21 Q. And do you recall which courts or judges have
22 precluded your videos?

23 A. No, that's not something I keep score of.

24 Q. Am I correct that all of your studies or
25 simulations were done for litigation either directly when you

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1 where I believe the primary exposures are. I don't believe
2 handling asbestos-containing sheet gaskets gives much of an
3 exposure.

4 MR. GEIGEL: Thank you, sir.

5 MR. TURLIK: I pass.

6 MR. HYMES: No questions.

7 MR. WHITE: No questions.

8 MR. HUNTER: No questions.

9 MR. FITZSIMMONS: No questions.

10 MR. WOODBURY: No questions.

11 MS. CAFFREY: I have a few questions for you,
12 and I'm going to ask these questions based upon the report
13 that we have before us and subject to my prior objections.

14 CROSS-EXAMINATION

15 BY MS. CAFFREY:

16 Q. Dr. Longo, --

17 A. Yes.

18 Q. -- you have been precluded from testifying in at
19 least one jurisdiction of which I'm aware, have you not?

20 A. That's not true.

21 Q. Do you remember being precluded in Texas in the
22 In Re: Lamar County Asbestos Litigation?

23 A. I remember that my studies was precluded. If you
24 read the order, I was not personally precluded.

25 Q. So you were not -- you were not allowed to talk

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1 were asked by counsel or something that you did to support
2 the theories on which you intended to testify?

3 MR. HARTLEY: Object to the form.

4 A. No, you're incorrect. I don't do any of these
5 studies for litigation.

6 Q. (Ms. Caffrey:) Well, you were hired by
7 counsel -- plaintiffs' counsel at least fifty percent of the
8 time to do the studies, correct?

9 A. Well, I think more or less -- I think that's
10 maybe in the ballpark. But we've been hired by plaintiffs'
11 counsel to do the studies, we've been hired by defense
12 counsel to do these studies. But each of these groups have
13 to agree that this data will be shared publicly one way or
14 the other. So I don't consider these for litigation. Some
15 of these studies have never been in litigation. I look at it
16 as research in this area.

17 Q. What defense counsel has hired you to do studies?

18 A. I can't talk about one that's -- we're talking
19 about -- I mean, one we'll do in the future. But we have
20 done a work practice study for Carborundum. Tom Tardy was
21 the defense attorney out of Mississippi.

22 Q. Anybody else?

23 A. That's the only one I can talk about right now.

24 Actually I've got two, two more that we're
25 talking to.

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1 couldn't hear your answer, what is SBR?

2 A. Styrene Butadiene Rubber.

3 Q. And all of the gaskets referred to in the report
4 that you have in front of you that was filed in this case
5 involved gaskets with that type of grinder?

6 A. Yes, sir.

7 Q. And, again, you don't have any specific
8 information about the work histories or the specific manner
9 in which either of the four plaintiffs whose cases are
10 scheduled for trial in November were exposed to
11 asbestos-containing products in the HOVIC Refinery, do you?

12 A. I do not.

13 MR. DALEY: I don't think I have anything
14 else.

15 MR. HARTLEY: Anyone else on the telephone or
16 elsewhere?

17 MS. O'CONNOR: No questions.

18 (Whereupon the deposition concluded
19 at 1:50 p.m.)

20

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24

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1 C-E-R-T-I-F-I-C-A-T-E

2 I, ANGELA L. KLEIN, a Registered Professional
3 Reporter and Notary Public for the U.S. Virgin Islands,
4 Christiansted, St. Croix, do hereby certify that the
5 above-named witness, William E. Longo, Ph.D., was
6 first duly sworn to testify the truth; that said witness
7 did thereupon testify as is set forth; that the answers
8 of said witness to the oral interrogatories propounded by
9 counsel were taken by me in Stenotype and thereafter
10 reduced to typewriting under my personal direction and
11 supervision.

12 I further certify that the facts stated in the
13 caption hereto are true; and that all of the proceedings
14 in the course of the hearing of said deposition are
15 correctly and accurately set forth herein.

16 I further certify that I am not counsel, attorney or
17 relative of either party, nor financially or otherwise
18 interested in the event of this suit.

19 IN WITNESS WHEREOF, I have hereunto set my hand as
20 such Registered Professional Reporter and Notary Public
21 on this the 8th day of July, 2002, at Christiansted,
22 St. Croix, United States Virgin Islands.

23
24 ANGELA L. KLEIN, RPR
25